

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-355-FDW-DCK**

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|------------------------------|---|---------------------|
| DEAN BUTTREY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| PANDERA SYSTEMS, LLC, |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Response To Defendant’s Motions To Change Counsel And Motion To Reconsider Order Granting Same” (Document No. 35)¹ filed on March 2, 2016. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

By the instant motion, Plaintiff requests that the Court reconsider its “Order” (Document No. 34) allowing Defendant’s counsel to withdraw and granting Defendant a fourteen (14) day extension to file a response to “Plaintiff’s Motion For Partial Summary Judgment” (Document No. 28).

In the interests and of judicial economy and efficient case management, the undersigned immediately granted Defendant’s “Notice Of Motion And Counsel’s Motion For Withdrawal From Representation Of Defendant Pandera Systems, LLC And For An Extension Of Time” (Document No. 32) and “Defendant’s Motion For Extension Of Time To Respond To Motion For Partial Summary Judgment” (Document No. 33). The undersigned observes that Defendant had already

¹ The undersigned construes this filing as a “Motion To Reconsider.” Counsel is respectfully reminded that “[m]otions shall not be included in responsive briefs. Local Rule 7.1 (C)(2).

retained new counsel, and that Defendant sought an extension of an additional thirteen (13) days to respond to the pending motion for summary judgment. (Document Nos. 32 and 33). If the Court allowed the motions to withdraw and for an extension of time to be fully briefed, it would have likely caused significantly more delay in this case than simply allowing the requests and setting a revised date for Defendant's response. See Local Rule 7.1 (E). Moreover, this case is still at an early stage of litigation - discovery and mediation have not been completed, dispositive motions are not due until June 9, 2016, and a dispositive motions hearing is not scheduled until August 1-12, 2016. (Document No. 26). In short, the undersigned is not persuaded that Plaintiff has suffered any prejudice based on the Court's recent ruling.

Barring extraordinary circumstances, the undersigned does not anticipate that Defendant will be allowed a further extension of time to respond to the pending motion, or continuing flexibility in changing counsel.

IT IS, THEREFORE, ORDERED that "Plaintiff's Response To Defendant's Motions To Change Counsel And Motion To Reconsider Order Granting Same" (Document No. 35) is **DENIED**.

IT IS FURTHER ORDERED that attorney A. Todd Capitano shall file an appropriate "Notice Of Appearance" on or before **March 4, 2016**.

SO ORDERED.

Signed: March 2, 2016



David C. Keesler
United States Magistrate Judge
